

AMENDED IN ASSEMBLY JANUARY 29, 2004

AMENDED IN ASSEMBLY JULY 14, 2003

AMENDED IN ASSEMBLY JULY 3, 2003

## SENATE BILL

**No. 311**

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### **Introduced by Senator Sher**

~~(Coauthor: Assembly Member Laird)~~

**(Coauthor: Senator Alpert)**

*(Coauthors: Assembly Members Liu and Nation)*

February 19, 2003

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~~An act to amend Section 116365 of the Health and Safety Code, relating to environmental health. An act to amend, add, and repeal Section 52124 of the Education Code, relating to class size, and declaring the urgency thereof, to take effect immediately.~~

#### LEGISLATIVE COUNSEL'S DIGEST

SB 311, as amended, Sher. ~~Environmental health: drinking water~~  
*Education: class size.*

*Existing law establishes the Class Size Reduction Program, in which participating school districts are provided funding for each class in which the class size is reduced to a ratio of 20 pupils to 1 teacher in kindergarten and any of grades 1 to 3, inclusive.*

*Existing law requires the Class Size Reduction Program to be implemented in accordance with a prescribed order of priority based on grade level and requires the Controller to deduct a specified amount from the district's next principal apportionment for each class that the district failed to reduce to a class size of 20 or less pupils.*

*This bill would require any school district establishing a class size reduction program to select the grade level or levels at a schoolsite to*

*be reduced and to give priority to reducing class size in the selected grade level or levels before reducing class size in other grade levels at the schoolsite, so long as the school district first ensures that class size is reduced in grade 1 at the schoolsite. The bill would, through the 2005–06 school year, require the Controller to deduct from the district's next principal apportionment a specified amount based on the annual pupil enrollment of a class above a prescribed number.*

*This bill would make other technical and conforming changes.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law requires the State Department of Health Services to adopt drinking water standards for contaminants in drinking water that are based upon specified criteria. Existing law requires the Office of Environmental Health Hazard Assessment to prepare and publish an assessment of the risks to public health posed by each contaminant for which the department proposes a primary drinking water standard.~~

~~Existing law requires the California Environmental Protection Agency (EPA) and various entities within the agency, including the office, to enter into an agreement with any of certain specified scientific and educational entities to conduct an external scientific peer review of the scientific basis for any rule proposed for adoption.~~

~~This bill would require that an external scientific peer review of each draft risk assessment prepared by the office shall be conducted in a manner substantially equivalent to that required for a review of the scientific basis of any rule proposed for adoption by the EPA.~~

~~Existing law requires that before a board, department, or office within the EPA adopts chemical risk assessment guidelines or policies for evaluating the toxicity of chemicals or prepares a health evaluation of a chemical that will be used in the regulatory process of another board, department, or office, the board, department, or office shall first convene a public workshop at which the guidelines, policies, or health evaluation may be discussed. Existing law provides that following the workshop, the agency shall revise the guidelines, policies, or health evaluation, as appropriate, and circulate it for public comment for a period of at least 30 days.~~

~~Existing law requires that each draft risk assessment prepared by the office for a contaminant shall be made available to the public at least 45 calendar days prior to the date that public comment and discussion on the risk assessment are solicited at the public workshop.~~



~~This bill would specify that after the workshop, the office shall revise the draft risk assessment, as appropriate, and circulate it for public comment for at least 30 days, in accordance with requirements for proposed revisions to guidelines, policies, and health evaluations. The bill would provide that it shall not be construed to create a right to more than one peer review regarding a designated public health goal as specified.~~

~~Existing law permits any person to request the office to submit the office's risk assessment to external scientific peer review prior to the assessment's publication.~~

~~This bill would eliminate that provision.~~

Vote: majority <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1.—Section 116365 of the Health and Safety Code~~  
2     ~~SECTION 1. Section 52124 of the Education Code is~~  
3     ~~amended to read:~~  
4     ~~52124. (a) Any A school district that implements a Class Size~~  
5     ~~Reduction Program class size reduction program pursuant to this~~  
6     ~~chapter is subject to this section.~~  
7     ~~(b) A school district may establish a program to reduce class~~  
8     ~~size in kindergarten and grades 1 to 3, inclusive, and that program~~  
9     ~~shall be implemented at each schoolsite according to the following~~  
10    ~~priorities. In order to best meet the needs of its pupils, the~~  
11    ~~governing board of a school district shall do both of the following:~~  
12    ~~(1) If only one grade level is reduced at a schoolsite, the grade~~  
13    ~~level shall be grade 1.~~  
14    ~~(2) If only two grade levels are reduced at a schoolsite, the~~  
15    ~~grade levels shall be grades 1 and 2.~~  
16    ~~(3) If three grade levels are reduced at a schoolsite, then those~~  
17    ~~grade levels shall be kindergarten and grades 1 and 2 or grades 1~~  
18    ~~to 3, inclusive. Priority shall be given to the reduction of class sizes~~  
19    ~~in grades 1 and 2 before the class sizes of kindergarten or grade 3~~  
20    ~~are reduced.~~  
21    ~~(4) If four grade levels are reduced at a schoolsite, then those~~  
22    ~~grade levels shall be kindergarten and grades 1 to 3, inclusive. First~~  
23    ~~priority shall be given to the reduction of class sizes in grades 1 and~~  
24    ~~2, second priority shall be given to the reduction of class size in~~

~~kindergarten and grade 3. This paragraph shall be operative only in those fiscal years for which funds are appropriated expressly for the purposes of this paragraph. Select the grade level or levels to be reduced at each schoolsite.~~

*(2) Give priority to reducing class size in the selected grade level or levels at the schoolsite before reducing class size in other grade levels at that schoolsite. However, the governing board of a school district shall first ensure that class size is reduced in grade 1 if it reduces class size in other grade levels at that schoolsite.*

(c) It is the intent of the Legislature to continue to permit the use of combination classes of more than one grade level to the extent that school districts are otherwise permitted to use that instructional strategy. However, any school district that uses a combination class in any class for which funding is received pursuant to this chapter may not claim funding pursuant to this chapter if the total number of pupils in the combination class, regardless of grade level, exceeds 20 pupils per certificated teacher assigned to provide direct instructional services.

(d) The governing board of a school district shall certify to the Superintendent of Public Instruction that it has met the requirements of this section in implementing its ~~Class-Size Reduction Program~~ *class size reduction program*. If a school district receives funding pursuant to this chapter but has not implemented its ~~Class-Size Reduction Program~~ *class size reduction program* for all grades and classes for which it received funding pursuant to this chapter, the Superintendent of Public Instruction shall notify the Controller and the school district in writing and the Controller shall deduct an amount equal to the amount received by the school district under this chapter for each class that the school district failed to reduce to a class size of 20 or less pupils from the school district's next principal apportionment or apportionments of state funds to the district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution.

*(e) This section shall become operative on and after January 1, 2007.*

SEC. 2. Section 52124 is added to the Education Code, to read:

1 52124. (a) A school district that implements a class size  
2 reduction program pursuant to this chapter is subject to this  
3 section.

4 (b) A school district may establish a program to reduce class  
5 size in kindergarten and grades 1 to 3, inclusive. In order to best  
6 meet the needs of its pupils, the governing board of a school district  
7 shall do both of the following:

8 (1) Select the grade level or levels to be reduced at each  
9 schoolsite.

10 (2) Give priority to reducing class size in the selected grade  
11 level or levels at a schoolsite before reducing class size in other  
12 grade levels at that schoolsite. However, the governing board of a  
13 school district shall first ensure that class size is reduced in grade  
14 1 if it reduces class size in other grade levels at that schoolsite.

15 (c) It is the intent of the Legislature to continue to permit the use  
16 of combination classes of more than one grade level to the extent  
17 that school districts are otherwise permitted to use that  
18 instructional strategy. However, any school district that uses a  
19 combination class in any class for which funding is received  
20 pursuant to this chapter may not claim funding pursuant to this  
21 chapter if the total number of pupils in the combination class,  
22 regardless of grade level, exceeds 20 pupils per certificated  
23 teacher assigned to provide direct instructional services.

24 (d) The governing board of a school district shall certify to the  
25 Superintendent of Public Instruction that it has met the  
26 requirements of this section in implementing its class size  
27 reduction program. If a school district receives funding pursuant  
28 to this chapter but has not implemented its class size reduction  
29 program for all grades and classes for which it received funding  
30 pursuant to this chapter, the Superintendent of Public Instruction  
31 shall notify the Controller and the school district in writing and the  
32 Controller shall deduct an amount equal to the amount determined  
33 pursuant to paragraphs (1) to (4), inclusive, of subdivision (e), as  
34 appropriate, for each class that the school district failed to reduce  
35 to a class size of 20 or less pupils from the school district's next  
36 principal apportionment or apportionments of state funds to the  
37 district, other than basic aid apportionments required by Section  
38 6 of Article IX of the California Constitution.

1     (e) Except for school districts participating pursuant to  
2     subdivision (h) of Section 52122, the amount deducted pursuant to  
3     subdivision (d) shall be adjusted as follows:

4     (1) Fifteen percent of the amount to which the district would  
5     otherwise be eligible for each class for which the annual  
6     enrollment determined pursuant to Section 52124.5 is greater than  
7     or equal to 20.5 but less than 21.0.

8     (2) Thirty percent of the amount to which the district would  
9     otherwise be eligible for each class for which the annual average  
10    enrollment determined pursuant to Section 52124.5 is greater than  
11    or equal to 21.0 but less than 21.5.

12    (3) Forty-five percent of the amount to which the district would  
13    otherwise be eligible for each class for which the annual average  
14    enrollment determined pursuant to Section 52124.5 is greater than  
15    or equal to 21.5 but less than 22.

16    (4) The amount deducted pursuant to subdivision (d) for each  
17    class for which the annual average enrollment determined  
18    pursuant to 52141.5 is greater than or equal to 22 shall be the  
19    amount to which the district would otherwise be eligible for that  
20    class for which it received funding pursuant to this chapter.

21    (f) This section shall be operative through the 2005–06 school  
22    year, and as of January 1, 2007, is repealed, unless a later enacted  
23    statute deletes or extends that date.

24    SEC. 3. This act is an urgency statute necessary for the  
25    immediate preservation of the public peace, health, or safety  
26    within the meaning of Article IV of the Constitution and shall go  
27    into immediate effect. The facts constituting the necessity are:

28    To provide much needed flexibility to school districts currently  
29    deciding whether to end participation in the Class Size Reduction  
30    Program, it is necessary that this bill take effect immediately.

**All matter omitted in this version of the  
bill appears in the bill as amended in the  
Assembly, July 14, 2003 (JR 11)**

CORRECTIONS

Heading — Line 2.

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